ESTTA Tracking number:

ESTTA381157 11/30/2010

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Braztech International, L.C.		
Entity	Corporation	Citizenship	Florida
Address	16175 N.W. 49th Ave. Miami, FL 33014 UNITED STATES		

Attorney	Kerri A. Hochgesang
information	Smith, Gambrell & Russell LLP
	Promenade II, Suite 3100 1230 Peachtree St. NE
	Atlanta, GA 30309-3592
	UNITED STATES
	khochgesang@sgrlaw.com Phone:404-815-3672

Registration Subject to Cancellation

Registration No	3645700	Registration date	06/30/2009
Registrant	J.B. CUSTOM ,INC. 1820 FLAUGH RD. FORT WAYNE, IN 46818 UNITED STATES		

Goods/Services Subject to Cancellation

Class 040. First Use: 2000/06/04 First Use In Commerce: 2000/08/10

All goods and services in the class are cancelled, namely: CUSTOM MANUFACTURING OF

FIREARMS AND ACCESSORIES FOR FIREARMS

Grounds for Cancellation

Torres v. Cantine Torresella S.r.l.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Genericness	Trademark Act section 23
Abandonment	Trademark Act section 14
Other	Invalid dates of first use; specimen fails to support use of mark and is invalid.

Related	J.B. Custom, Inc. v. Amadeo Rossi et al., United States District Court for the
Proceedings	Northern District of Indiana, Case No. 1:10-cv-326

Attachments	Petition to Cancel.pdf (12 pages)(512690 bytes)
	Ex A - Suit with Contract.pdf (20 pages)(1739756 bytes)
	Ex B - First Specimen.pdf (2 pages)(1090160 bytes)
	Ex C - Substitute Specimen.pdf (5 pages)(1347120 bytes)
	Ex. D Declaration.pdf (3 pages)(62602 bytes)

Ex. 1 to Declaration.pdf (5 pages)(405696 bytes) Ex. 2 to Declaration.pdf (14 pages)(429957 bytes)
Ex. 3 to Declaration.pdf (2 pages)(127922 bytes)
Ex E- Prior Registration Specimen.pdf (2 pages)(242768 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Kerri A. Hochgesang/
Name	Kerri A. Hochgesang
Date	11/30/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark R Filed: April 17, 2008 Registration Date: June 30, 2		,645,700	
Braztech International, L.C.)	
	Petitioner,)	
VS.)	Cancellation No.
J.B. Custom, Inc.)	
	Registrant.)	

PETITION TO CANCEL

Commissioner for Trademarks **Box TTAB FEE**P.O. Box 1451
Alexandria, Virginia 22313-1451

Petitioner, Braztech International, L.C., a Florida limited liability company (hereinafter "Braztech" or "Petitioner") with a principal place of business at 16175 N.W. 49th Avenue Miami, Florida 33014, believes that it is and will continue to be damaged by registration of the mark MARE'S LEG under U.S. Registration No. 3,645,700 (the "Registration" or the "MARE'S LEG Mark"), owned by J.B. Custom, Inc., an Indiana corporation with a principal place of business at 1820 Flaugh Road, Fort Wayne, Indiana 46818 (hereinafter "JB" or "Registrant"). Braztech hereby Petitions to cancel same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

- 1. Petitioner imports and sells firearms in the United States, including a type of firearm commonly called a "mare's leg."
- 2. Petitioner has been accused of trademark infringement under the Registration by Registrant for allegedly referring to one of its mare's leg-type firearms as a "mare's leg," in the case of J.B. Custom, Inc. v. Amadeo Rossi, S.A., Forjas Taurus, S.A., Taurus International Manufacturing, Inc., and Braztech International, L.C., Case No. 1:10CV326, filed on September 20, 2010 and currently pending in the Northern District of Indiana (the "Lawsuit").
- 3. Petitioner desires to refer to its mare's leg-type firearms by the term "mare's leg" so that the consuming public will clearly know what type of firearm Petitioner offers for sale.
- 4. Petitioner has the right to use the designation "mare's leg" to describe or identify this type of firearm that it imports and sells.
- 5. Petitioner has standing to bring this cancellation proceeding because it is already damaged by the Registration by virtue of the Lawsuit filed against it by Registrant. Further, the Registration continues to damage Petitioner because the evidentiary effect of the Registration tends to impair Petitioner's right to legally use the term "mare's leg" to refer to its products by their common or descriptive name, in that Petitioner for some time has been and will continue to be involved in the importation and sale of mare's leg-type firearms which are of a related nature to the services of the Registration.

COUNT I

6. Petitioner repeats and re-alleges the allegations set forth in paragraphs 1 through 5 as though set forth herein.

- 7. Numerous companies worldwide have made and continue to make working and non-working firearm replicas resembling a Winchester Model 1892 rifle with a shortened barrel and stock (a "mare's leg-type firearm"), and such firearms are commonly referred to generically by such companies and the consuming public as "a mare's leg." The phrase "mare's leg" (sometimes spelled "mare's laig") was coined and popularized in the 50's by a television show featuring this type of gun, which was new and unique at the time.
- 8. JB has registered the MARE'S LEG Mark for the services of custom manufacturing of firearms and accessories for firearms ("Registrant's Services"). JB uses the term "mare's leg" in conjunction with its sale of goods: mare's leg-type firearms.
- 9. At the time JB obtained the Registration, "mare's leg" had already become the generic name of any firearm resembling a Winchester Model 1892 rifle with a shortened barrel and stock. Because "mare's leg" is a generic term for the type of gun sold by JB under the MARE'S LEG Mark, the term "mare's leg" is also generic for Registrant's services involving the "custom manufacturing" of such firearms. Because the registration of a generic term does not function to identify Registrant's Services and distinguish them from goods and services offered by others, it should be cancelled.

COUNT II

10. Petitioner repeats and re-alleges the allegations set forth in paragraphs 1 through 9 as though set forth herein.

As explained in greater detail in Count III below, during the prosecution of the Prior Registration, the owner admitted that the term "mare's leg" was generic or descriptive by disclaiming the phrase "MARE'S LEG." Believing that the phrase did not describe the services, and without further inquiry into the significance of the phrase, the examiner erroneously allowed the registration conditioned upon the withdrawal of the disclaimer.

- 11. Registrant's MARE'S LEG Mark was registered pursuant to Section 1(a) of the Lanham Act based upon the trademark examining attorney's acceptance of a Substitute Specimen submitted by JB during the prosecution of the Registration showing use of the MARE'S LEG Mark in connection with Registrant's Services in commerce (the "Substitute Specimen").
- Registrant in fact had not used Registrant's Mark in connection with Registrant's Services anywhere and/or in interstate commerce as of at least February 10, 2006. (Exhibit A, Complaint and Contract attached as an exhibit to the Complaint as "Exhibit A"). On February 10, 2006, JB agreed that all of its mare's leg-type firearms would be manufactured for JB by a company in Brazil. Effective on this date, JB's mare's leg-type firearms were not "custom manufactured" by JB for the consuming public.
- 13. JB's Registration was obtained fraudulently in that the formal application papers and responses filed by JB, under oath, stated that its Substitute Specimen was a copy of pages from its web site actually in use in commerce as of the filing date of the application, and supported the Registrant's Services advertised under the MARE'S LEG Mark. Said statements were false, however, because the Substitute Specimen was altered and/or fabricated knowingly for the sole purpose of deceiving the Trademark Office and obtaining the Registration.
- 14. As shown in the record, JB's application was initially rejected in an Office Action issued on August 4, 2008 because the original specimen of use did not show the applied-for mark used in connection with the Registrant's Services, but rather, was merely an advertisement for its goods: the mare's leg-type firearms imported and re-sold in the United States by JB (Exhibit B, First Specimen of Use).

- 15. On January 29, 2009, JB filed a response to the Office Action by submitting a Substitute Specimen consisting of four pages supported by a Declaration, which described the Substitute Specimen as "specimens of adds ditributed and on our web site jbcustom.com used in commerce for custom manfacturing of firearms and accessories for fireams." [Sic] (Exhibit C, Substitute Specimen of Use). The Declaration indicates that the Substitute Specimen was actually in use in commerce as of the filing date of the application, April 17, 2008. JB knew that this statement was false.
- 16. Archival images of JB's web site, <u>www.jbcustom.com</u>, show that the Substitute Specimen, as presented to the Trademark Office, was actually not in use as of April 17, 2008, the filing date of the application. (See Declaration of Kerri A. Hochgesang, Exhibit D).
- 17. According to the sworn statement of JB, if the Substitute Specimen was indeed in use on JB's web site at the time of the filing of the application, the corresponding pages of Archival Comparison Page 1 and Archival Comparison Pages 3-4 should match the Substitute Specimen. (Exhibit 2 to the Declaration of Kerri A. Hochgesang). They do not match.
- 18. Page 3 (which continues onto Page 4) of the Substitute Specimen is entitled "1892 Mare's Leg Pistol," and is a printout from a single page at the URL www.jbcustom.com/new-mares.htm. Directly under this title is the critical phrase "Custom Manufactured." Comparing the Substitute Specimen with the archival images of this page from April of 2008 (immediately before the application was filed); from September and December of 2008 (after the application was filed); and from January of 2009 (captured the *very day* that JB filed its response containing the Substitute Specimen), it is apparent that the pages don't match.
- 19. The April 2008 archive of the URL www.jbcustom.com/new-mares.htm looks completely different from the Substitute Specimen. The title of the page from the archive, "1892

Mares Leg Lever Action Pistol." [Sic], includes an incorrect spelling of the mark ("Mares Leg" in the archive, as opposed to "Mare's Leg," as seen on the Substitute Specimen). The archive contains no mention of a "custom" mare's leg-type firearm, nor any custom manufacturing services, as seen on Pages 3-4 of the Substitute Specimen.

- 20. The archives of the same URL from September and December of 2008 and January of 2009 are radically different from the April 2008 URL, but identical to each other. The September, December, and January archives of Pages 3-4 resemble those submitted in the Substitute Specimen, but have a critical difference: the phrase "Custom Manufactured" does not appear on any version of this URL either before or after the application, or before or after the response was filed by JB. The critical phrase for showing use of the mark with Registrant's Services, "Custom Manufactured," was not and is not contained on JB's web site. This phrase was either temporarily added for the sole purpose of printing, or was simply typed onto the Substitute Specimen to create a false specimen of use to deliberately mislead the Trademark Office. The fabricated text was the only instance in which the words "custom manufactured" were printed on the same page where the applied-for MARE'S LEG mark was correctly spelled.
- 21. Page 2 of the Substitute Specimen has not been located on any year or version of the JB web site, nor are there any links to this page contained therein. Further, a careful examination of Page 2 of the Substitute Specimen shows that this page was also altered and/or entirely fabricated. The Substitute Specimen contains several inconsecutively numbered and incomplete printouts allegedly from the web site www.jbcustom.com as it appeared prior to the filing of the application. Page 2 of the Substitute Specimen has no page number, and the "URL" from the alleged web page, "www.jbcustom.com," was clearly altered by hand in blue ink by JB prior to it's submission to the Trademark Office.

- 22. Visible borders around the text at the top of Page 2 and the color photographs in the lower half of Page 2 also clearly indicate that the text and photographs were printed, cut out, and pasted together to create an altered and/or fabricated specimen of use. The unusual spacing, capitalization, and formatting on this page are consistent with such a hand-alteration, and tend to further show that Page 2 was not a print-out of a page or link on JB's web site (although presented as if it were).
- 23. Page 1 of the Substitute Specimen does not contain any use of the mark "MARE'S LEG," and does not support the Registration. It is notable, however, that the statement "Custom Manufacturing of Firearms and Accessories for Firearms" appears on this page. This phrase happens to be a verbatim recitation of the description of Registrant's Services taken directly from the Registration. This phrase did not appear on the archival copy of the URL www.jbcustom.com/gunsmith.htm from December 8, 2007, just before the filing of the subject application. (Exhibit 1 to the Declaration of Kerri A. Hochgesang). Instead, the phrase is visible in the URL archive of February 27, 2009, after the response was filed by JB. Like the other pages of the Substitute Specimen, this specific language appears to have been added to the text of the web site for the sole purpose of responding to the requirements of the Trademark Office.²
- 24. Just over a week from the date the Substitute Specimen was submitted to the Trademark Office, JB Custom evidenced its belief that it was successful in deceiving the Trademark Office by including a new registered trademark symbol ® after the phrase MARE'S

² The mark MARE'S LEG was purchased by JB from a previous owner, and JB let this registration lapse. In spite of such prior ownership, Registrant did not advertise or mention any "custom manufacturing" services in conjunction with the mark MARE'S LEG on its web site prior to being required to do so by the USPTO.

LEG, even though JB had not yet obtained the Registration. (See Exhibit 3 to the Declaration of Kerri A. Hochgesang).

- Specimen was a misrepresentation of a material fact knowingly made by an authorized agent of JB with the knowledge and belief that said statement was false with an intent to deceive the Trademark Office and procure the Registration.
- 26. Said false statement was made with the intent to induce authorized agents of the United States Patent and Trademark Office to grant said Registration, and, reasonably relying upon the truth of said false statements, the United States Patent and Trademark Office did, in fact, grant said Registration.
- 27. Petitioner was damaged by said false statements and the Registration issued in reliance thereon in that Petitioner has been sued in federal court for infringement of the Registration.
- 28. Petitioner's continued and legal use of the generic term "mare's leg" will be impaired by the continued registration of said mark of Registrant.

COUNT III

- 29. Petitioner repeats and re-alleges the allegations set forth in paragraphs 1 through 28 as though set forth herein.
- 30. As shown in the record, JB applied to register the MARE'S LEG Mark on the Principal Register of the U.S. Patent and Trademark Office on April 17, 2008. The application states that the mark is used to identify Registrant's Services and claims a date of first use of the mark anywhere as June 4, 2000, and a date of first use of the mark in commerce of August 10, 2000.

- 31. These dates are merely a recitation of the dates of use claimed in United States Trademark Registration No. 2,451,391 for MARE'S LEG, also in connection with Registrant's Services (the "Prior Registration"), which was assigned to Registrant on October 18, 2006. Registrant was not itself engaging in the Registrant's Services in commerce on October 18, 2006 according to the details contained in Exhibit A.
- 32. The specimen supporting the Prior Registration and the dates of use in commerce are clearly invalid and false because, at best, the specimen for the Prior Registration only shows use of the MARE'S LEG Mark in conjunction with goods (mare's leg-type firearms), not the Registrant's Services. (Exhibit E, Prior Registration Specimen).
 - 33. JB allowed its Prior Registration to expire by February 23, 2008.
- 34. Because the Prior Registration was invalid, Registrant's dates of first use listed in the Registration are incorrect, making the Registration invalid. As such, the Registration should be cancelled.

COUNT IV

- 35. Petitioner repeats and re-alleges the allegations set forth in paragraphs 1 through 34 as though set forth herein.
- 36. Even if the Substitute Specimen submitted by JB were genuine, the Registration should be cancelled because the Substitute Specimen, at best, only shows JB's use of the MARE'S LEG Mark to describe its goods (mare's leg-type firearms), not to advertise or sell custom manufacturing services.
- 37. At the time the Substitute Specimen was submitted by JB to the USPTO, JB did not use the term "mare's leg" to custom manufacture firearms for the consuming public. Further,

JB's mare's leg-type firearms are not "custom," but rather, they are previously massmanufactured by machines.

- 38. The mare's leg-type firearms were, in fact, mass-manufactured by third parties for J.B. Custom since at least February 10, 2006. JB is merely an importer of mare's leg-type firearms who then sells such *firearms* under the "mark" MARE'S LEG to the consuming public "off the shelf."
- 39. The Substitute Specimen itself states that JB was not using the MARE'S LEG Mark in conjunction with any custom manufacturing services at least as early as the filing date of the application, April 17, 2008. In fact, the Substitute Specimen states on Page 3 that the mare's leg-type firearms imported and sold by JB are manufactured for JB in Italy by ARMI SPORT-CHIAPPA, not custom manufactured by JB for the benefit of the consuming public.
- 40. Because JB has failed to show use of the MARE'S LEG Mark in conjunction with Registrant's Services, and because JB is not now, and has not, since at least February 10, 2006, custom manufactured firearms and firearm accessories under the MARE'S LEG Mark, its Registration should be cancelled.

COUNT V

- 41. Petitioner repeats and re-alleges the allegations set forth in paragraphs 1 through 40 as though set forth herein.
- 42. Upon information and belief, alternatively, Registrant has abandoned said Registration by discontinuing use of the MARE'S LEG Mark in conjunction with Registrant's Services with no intent to resume said use. As such, the Registration has lost all capacity as a source indicator for Registrant's Services.

29. Petitioner will be damaged by continuance of said Registration in that Petitioner has a right to use the term "mare's leg" to describe its mare's leg-type firearms, but is prevented from doing so by the Registration, as evidenced by the Lawsuit. Petitioner's continued and legal use of the term "mare's leg" will be impaired by the continued registration of said abandoned Registration.

WHEREFORE, Petitioner prays that Registration No. 3,645,700 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner hereby appoints Kerri A. Hochgesang, a member of the State Bar of Georgia, and Elizabeth G. Borland, Laurence P. Colton, Kerri A. Hochgesang, Christopher A. Holland, Dana T. Hustins, Joyce B. Klemmer, Dale Lischer, J. Rodgers Lunsford III, Michael A. Makuch, Dennis C. Rodgers, Katharine F. Rowe, Suzannah Sundby, Robert J. Veal, Todd D. Williams, Scott D. Woldow, all members of either the State Bar of Georgia, State Bar of the District of Columbia or the State Bar of Florida, of the law firm Smith, Gambrell & Russell, LLP to act as attorneys for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this Petition for Cancellation.

Please charge Deposit Account No. 02-4300 for any additional fees that may be required.

Braztech International, L.C.

By:

Kerri A. Hochgesang

Smith, Gambrell & Russell, LLP

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Atlanta, Georgia 30309 Phone: 404-815-3673

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E-Mail: khochgesang@sgrlaw.com

047502.009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Filed: April 17, 2008	Registration No. 3	3,645,700	
Registration Date: June 30, 2	2009		
Braztech International, L.C.	Petitioner,)	
vs.)	Cancellation No.
J.B. Custom, Inc.)	
	Registrant.)	

CERTIFICATE OF SERVICE

I, Kerri A. Hochgesang, counsel for Braztech International, L.C., do hereby certify that the **PETITION TO CANCEL** was served upon Registrant by placing a copy of same in the U.S. mail, postage prepaid, addressed as follows:

James A. Buchanan c/o Jeremy N. Gayed, Esq. Barrett & McNagny LLP 215 East Berry Street Fort Wayne, Indiana 46802

This 30th day of November, 2010

Kerry A. Hochgesang

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

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J.B. CUSTOM, INC.	STEPHEN R. EUDWISCHLERK U.S. DISTRICT DOUBT
Plaintiff,	U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA
v.	Case No: 1: 10C V 32 6 PP
AMADEO ROSSI S.A., FORJAS TAURUS S.A., TAURUS INTERNATIONAL MANUFACTURING, INC., AND BRAZTECH INTERNATIONAL, L.C.	3645700
Defendants.	

COMPLAINT

COMES NOW Plaintiff, J.B. Custom, Inc. ("J.B. Custom"), by counsel, Barrett & McNagny, LLP, and for its complaint against Defendants, Amadeo Rossi S.A., Forjas Taurus S.A., Braztech International L.C., and Taurus International Manufacturing, Inc., alleges and states as follows:

Parties, Jurisdiction, & Venue

- 1. Plaintiff J.B. Custom, Inc. ("JB Custom") is an Indiana corporation with its principal place of business in Huntertown, Indiana.
- Defendant Taurus International Manufacturing, Inc. ("Taurus USA") is a Florida corporation with its principal place of business at 16175 NW 49th Avenue, Miami, Florida.
- On information and belief, Taurus USA has made, advertised, imported, or sold firearms using trade names, shapes, designs, or appearances identical or similar to trade names, shapes, designs, or appearances the rights to which are owned by J.B. Custom, including in the State of Indiana.

- 4. Defendant Forjas Taurus, S.A. ("Forjas Taurus") is a Brazil corporation with its principal place of business at Avenida de Forte, 511, Porto Alegre/RS, Brazil.
- 5. Defendant Forjas Taurus owns subsidiaries throughout the United States of America, including Taurus USA.
- 6. On information and belief, Forjas Taurus has made, advertised, imported, or sold firearms using trade names, shapes, designs, or appearances identical or similar to trade names, shapes, designs, or appearances the rights to which are owned by J.B. Custom, including in the State of Indiana.
- 7. Defendant Amadeo Rossi S.A. ("Rossi") is a Brazil corporation with its principal place of business at Caixa Postal 28, 93030-220, Sao Leopaldo/RS, Brazil.
- 8. Rossi products are marketed in the United States under the brand name "Rossi USA."
- 9. On information and belief, Rossi was acquired by Defendant Forjas Taurus in 2008.
- 10. On information and belief, Rossi has made, advertised, imported, or sold firearms using trade names, shapes, designs, or appearances identical or similar to trade names, shapes, designs, or appearances the rights to which are owned by J.B. Custom, including in the State of Indiana.
- 11. Defendant Braztech International, L.C. ("Braztech") is a limited liability corporation organized under Florida law with its principal place of business at 16175 NW 49th Avenue, Miami, Florida.
- 12. On information and belief, Braztech has advertised, imported, or sold firearms using trade names, shapes, designs, or appearances identical or similar to trade names, shapes, designs, or appearances the rights to which are owned by J.B. Custom, including in the State of Indiana.

- 13. Pursuant to 28 U.S.C. § 1331, this court has subject matter jurisdiction over J.B.

 Custom's claims against Defendants arising under federal law.
- 14. There is complete diversity of citizenship between J.B. Custom and all defendants and the amount in controversy exceeds \$75,000.
- 15. Pursuant to 28 U.S.C. § 1332, this Court has subject matter jurisdiction in diversity over J.B. Custom's state-law claim against Defendants, as well as ancillary jurisdiction over the same.
- 16. Each Defendant has purposefully availed itself of the privilege of conducting business in Indiana by advertising, importing, or selling products in Indiana, including the products at issue. Further, Defendant Rossi contracted with Plaintiff in Indiana.
- 17. Venue is proper under 28 U.S.C. § 1391(c).

Facts

- 18. Plaintiff incorporates the allegations contained in Paragraphs 1-17 as if fully stated herein.
- 19. Plaintiff is a custom firearm manufacturer who designed and sells unique firearms and firearm services, including a firearm design known as the Mare's Leg.
- 20. Plaintiff's firearms, firearms designs, and firearm services have gained substantial goodwill in the market.
- 21. Plaintiff sells firearms of the Mare's Leg design at a retail price of \$1,695.
- On or around February 10, 2006, Plaintiff and Rossi executed an Exclusivity Agreement wherein Rossi agreed to produce and sell firearms of similar shape, appearance, and design to those developed and conceived by J.B. Custom, including firearms of the Mare's Leg design, and to allow J.B. Custom to be the exclusive importer and distributor

- of such firearms in the United States. A true and accurate copy of the Exclusivity Agreement is attached hereto as Exhibit A.
- 23. On information and belief, Forjas Taurus acquired Rossi in 2008 and assumed Rossi's obligations under the Exclusivity Agreement.
- 24. Plaintiff is the registered owner of the federal United States trademark "Mare's Leg," registration number 3645700, registered with the United States Patent and Trademark Office on June 30, 2009. A true and accurate copy of the federal trademark registration for the "Mare's Leg" mark is attached hereto as Exhibit B.
- 25. Plaintiff nationally and internationally sells and advertises firearms and firearms services for firearms of unique design, including the Mare's Leg design.
- 26. Plaintiff owns and has established common-law rights in the use of the Mare's Leg mark in conjunction with lever-action firearms of a particular shape, design, and overall appearance.
- 27. Plaintiff further owns and has established common-law rights in the overall shape, design, and appearance of certain lever-action firearms, as well as in custom gunsmithing services related to the same.
- 28. In the July 2010 issue of American Rifleman magazine, Rossi placed a paid advertisement ("the Advertisement") for a lever-action firearm named the "Rossi Ranch Hand" for a retail price of \$536.
- 29. The Ranch Hand is a lever-action firearm similar in shape, design, and overall appearance to shapes, designs, and overall appearance in which Plaintiff holds rights, including the Mare's Leg design.
- 30. In the Advertisement, Rossi refers to the Ranch Hand firearm as a "Mare's Leg."

- 31. In other advertising, including on its website, Rossi currently refers to and advertises firearms with the term "Mare's Leg."
- 32. On information and belief, Defendants continue to manufacture, import, advertise, and sell firearms similar to firearms of shapes, designs, and overall appearance ("Infringing Firearms") in which Plaintiff holds rights in the United States.
- 33. On information and belief, Defendants are importing Infringing Firearms through Defendant Braztech or through importers other than Plaintiff.

Count I: Breach of Contract

- 34. Plaintiff incorporates by reference the allegations made in Paragraphs 1-33 as if fully stated herein.
- 35. Plaintiff entered into the Exclusivity Agreement with Rossi on February 10, 2006.
- 36. Forjas Taurus assumed Rossi's obligations under the Exclusivity Agreement when it acquired Rossi in 2008.
- 37. Plaintiff complied with its obligations under the Exclusivity Agreement.
- 38. Defendants have and continue to manufacture, import, advertise, and sell firearms identical or similar to firearms designed, conceived, and developed by Plaintiff, including the Ranch Hand, through importers other than Plaintiff.
- 39. Defendants have breached the Exclusivity Agreement.
- 40. Plaintiff has been damaged by Defendants' breach.

WHEREFORE Plaintiff, J.B. Custom, seeks damages for Defendants' breach in an amount to be determined at trial, injunctive relief, interest, attorney's fees, and all other just and proper relief.

Count II: Trademark Infringement

- 41. Plaintiff incorporates by reference the allegations made in Paragraphs 1-40 as if fully stated herein.
- 42. Plaintiff owns federal and common law trademarks in the "Mare's Leg" trademark.
- 43. Plaintiff further owns common law rights in the unique shapes, designs, and overall appearance of unique lever action firearms Plaintiff makes, advertises, or sells.
- 44. Defendants have and continue to wrongfully use the Mare's Leg mark in advertisements and promotional materials for firearms and firearm-related services.
- 45. Defendants further have and continue to wrongfully make, advertise, and sell Infringing Firearms.
- 46. Defendants' wrongful use of the Mare's Leg mark is likely to create confusion as to the origin of firearms advertised and sold by Defendants, or alternatively, to destroy the origin-identifying function of the Mare's Leg mark.
- 47. Defendants' wrongful advertising and sale of Infringing Firearms is likely to create confusion as to the origin of firearms advertised and sold by Defendants, or, alternatively, to destroy the origin-identifying function of the proprietary shapes, designs, and overall appearances of firearms in which Plaintiff owns rights.
- 48. Defendants have infringed Plaintiff's trademark rights in violation of the Lanham Act, 15 U.S.C. § 1114.
- 49. Defendants have further infringed Plaintiff's common law trademark rights.
- 50. Due to Defendants' conduct, Plaintiff has suffered and will continue to suffer damage to its business, goodwill, reputation, profits, and the strength of its trademarks.

51. Plaintiff's injuries are ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries, and Plaintiff lacks an adequate remedy at law.

WHEREFORE Plaintiff, J.B. Custom, requests an injunction prohibiting further infringements of its rights, as well as all other remedies available under the Lanham Act, including compensatory damages, statutory damages, disgorgement of profits, costs, and attorney's fees.

Count III: False Designation of Origin

- 52. J.B. Custom incorporates by reference the allegations contained in Paragraphs 1-51 as if fully stated herein.
- 53. The Mare's Leg mark, as used by Plaintiff in connection with the sale of firearms and firearm services, is a distinctive mark and has become associated with Plaintiff.
- 54. The unique overall shape, appearance, and design of J.B. Custom firearms are also a distinctive identifying mark associated with Plaintiff.
- 55. Defendants' wrongful use of the Plaintiff's marks, including "Mare's Leg" and the overall shape, design, and appearance of J.B. Custom firearms is likely to cause confusion and mislead consumers to believe that Defendants' firearms, including the Rossi Ranch Hand, originate from J.B. Custom in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and state law.
- 56. Alternatively, Defendants' misuse of J.B. Custom's federal and common law trademarks will cause consumers to believe that J.B. Custom's marks are generic, thus destroying the goodwill and value that J.B. Custom has built.

- 57. The foregoing acts and conduct by Defendants constitute false designation of origin in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).
 - 58. Defendants' acts, as set forth above, have caused irreparable injury to J.B. Custom's goodwill and reputation. The injury to J.B. Custom is ongoing and irreparable. An award of monetary damages alone cannot fully compensate J.B. Custom for its injuries, and J.B. Custom lacks an adequate remedy at law.

WHEREFORE Plaintiff, J.B. Custom, requests an injunction prohibiting further infringements of its rights, as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages, treble damages, disgorgement of profits, and costs and attorney's fees.

Count IV: Passing Off

- 59. J.B. Custom incorporates by reference the allegations contained in Paragraphs 1-58 as if fully stated herein.
- 60. The Mare's Leg mark, as used Plaintiff, is a distinctive mark and has become associated with J.B. Custom.
- 61. J.B. Custom also owns common law trademark rights in "Mare's Leg" and in the unique overall shape, appearance, and design of J.B. Custom firearms.
- 62. Defendants' wrongful use of J.B. Custom's marks, including "Mare's Leg" and the overall shape, design, and appearance of J.B. Custom firearms, is likely to cause confusion and mislead consumers to believe that Defendants' firearms, including the Rossi Ranch Hand, are made, sponsored, or otherwise approved by J.B. Custom in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) and state law.

- 63. Alternatively, Defendants' misuse of J.B. Custom's federal and common law trademarks will cause consumers to believe that J.B. Custom's marks are generic, thus destroying the goodwill and value that J.B. Custom has built.
- 64. The foregoing acts and conduct by Defendants constitute passing off in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).
- 65. Defendants' acts, as set forth above, have caused irreparable injury to J.B. Custom's goodwill and reputation. The injury to J.B. Custom is ongoing and irreparable. An award of monetary damages alone cannot fully compensate J.B. Custom for its injuries, and J.B. Custom lacks an adequate remedy at law.

WHEREFORE Plaintiff, J.B. Custom, requests an injunction prohibiting further infringements of its rights, as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages, treble damages, disgorgement of profits, and costs and attorney's fees.

Count V: False Advertising

- 66. J.B. Custom incorporates by reference the allegations contained in Paragraphs 1-65 as if fully stated herein.
- 67. The Mare's Leg mark, as used by J.B. Custom, is a distinctive mark and has become associated with J.B. Custom.
- 68. J.B. Custom also owns common law trademark rights in "Mare's Leg" and in the unique overall shape, appearance, and design of J.B. Custom firearms.
- 69. Defendants have wrongfully used J.B. Custom's marks, including "Mare's Leg" and the overall shape, appearance, and design of J.B. Custom firearms, including in advertisements and promotional materials for firearms.

- 70. Defendants' commercial advertisements contained false or misleading representations of material fact concerning the nature, characteristics, or qualities of its products, and they falsely promoted that such products were sponsored or approved by J.B. Custom.
- 71. Defendants' advertisements deceived or had a tendency to deceive a substantial segment of their audience.
- 72. Defendants' advertisements influenced consumers' purchasing decisions.
- 73. Defendants' firearms, including the Rossi Ranch Hand, move in interstate commerce.
- 74. The foregoing acts and conduct by Defendants constitute false advertisement in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).
- 75. Defendants' acts, as set forth above, have caused irreparable injury to J.B. Custom's by a direction diversion of sales from its own products, a loss of goodwill and reputation, and the lessening of the acceptability that its products enjoy with the buying public.
- 76. The injury to J.B. Custom is ongoing and irreparable. An award of monetary damages alone cannot fully compensate J.B. Custom for its injuries, and J.B. Custom lacks an adequate remedy at law.

WHEREFORE Plaintiff, J.B. Custom requests an injunction prohibiting further infringements of its rights, as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages, treble damages, disgorgement of profits, and costs and attorney's fees.

COUNT IV: Unfair Competition

77. Plaintiff incorporates by reference the allegations made in Paragraphs 1-76 as if fully stated herein.

- 78. Plaintiff has designed, developed, advertised, and sold unique firearms, including Mare's Leg firearms and firearms of the Mare's Leg or similar custom designs, shapes, or appearances.
- 79. J.B. Custom owns federal and state trademarks in the term "Mare's Leg" and in the unique shape, appearance, and design of J.B. Custom firearms.
- 80. The natural and probable effect of Defendants' conduct is to deceive the public so as to pass of Defendants' firearms, including the Rossi Ranch Hand, as a J.B. Custom firearm.
- 81. Defendants' use of the Mare's Leg mark to advertise, promote, and sell their firearms, including the Rossi Ranch Hand, is an attempt to create confusion as to the source of Defendants' firearms.
- 82. Defendant's use of the Mare's Leg mark to advertise and promote their firearms, including the Rossi Ranch Hand, which retails at a lesser price, is calculated to divert business away from the J.B. Custom.
- 83. Defendants' actions constitute unfair competition under Indiana law.

WHEREFORE Plaintiff, J.B. Custom requests an injunction prohibiting further infringements of its rights, as well as all other remedies available under Indiana law including, but not limited to, compensatory damages, treble damages, disgorgement of profits, and costs and attorney's fees.

Respectfully submitted,

BARRETT & MCNAGNY LLP

Jeremy N. Gayed

215 East Berry Street

P. O. Box 2263

Fort Wayne, IN 46801

(260) 423-9551

FAX: (260) 423-8920

jng@barrettlaw.com



amadeo Rossi S.A.

metalárgica s manições

RUA AMADEO ROSSI, 143 — CAIKA POSTAL 28 93030-220 - SÃO LEOPOLDO - RS PLEASE ADRESS ALL CORRESPONDENSE TO P.O. BOX, 28 98090-220 - SÃO LEOPOLDO - RS - BRASIL TELEX: 524011 ARMM BR PHONE: (051) 590,2222 FAX: (051) 590,2121...

Exclusivity Agreement

This will confirm the agreement between Amadeo Rossi S.A. (Brazil) and J.B Custom, Inc. (USA) that Amadeo Rossi S.A. will produce and sell firearms developed and conceived by J.B Custom, Inc. such as Mares Leg Lever Action Pistol with exclusivity in USA to J.B Custom, Inc. This agreement is valid for one-year period and will be automatically renewed for the same period since both parties agree on a written communication that must be signed 30 days before expiration of the present agreement. This agreement may be terminated by either party for reasonable cause with six month's notice.

Dated: 02/10/2006

Agreed and signed below

madeo Rossi S.A

J.B.Custom, Inc.





United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jul 7 03:54:50 EDT 2010

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MARE'S LEG

Word Mark

MARE'S LEG

Goods and Services

IC 040. US 100 103 106, G & S: CUSTOM MANUFACTURING OF FIREARMS AND ACCESSORIES FOR FIREARMS. FIRST USE: 20000604, FIRST USE IN COMMERCE:

20000810

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Trademark

Code

Search Facility Classification Code NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters, punctuation and

mathematical signs, zodiac signs, prescription marks

Serlal Number

77450968 April 17, 2008

Filing Date
Current Filing

1A

Basis

IA

Original Filing Basis

1A

Published for Opposition

April 14, 2009

Registration Number

3645700



Registration

Date

June 30, 2009

Owner

(REGISTRANT) J.B. CUSTOM ,INC. CORPORATION INDIANA 1820 FLAUGH RD. FORT WAYNE INDIANA 46818

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead

Indicator

LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

PRIEV LIST CURR LIST

MERTLEST FRET DOC FREV DOC

NEXT DOC

LAST DOC

[.HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY



Legendary Winchesters by



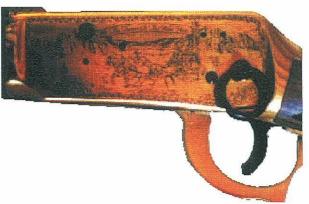
Diamond Jim Buchanan S.A.S.S. - 5592 (Lifetime Member)

Model 1894 ~ Pre and Post 1964 Actions

Custom Manufacturing of Firearms and Accessories for Firearms

Expertly converted to Cowboy Calibers, with 26 or 20 inch Octagon, and 24 or 20 inch round barrels - your receiver or ours. Each rifle made for you, one at a time. New barrel, action job, test fired and guaranteed to work every time... the way it should. Calibers: 45 colt, 44/40, 44 mag., 38/55, 28/40, 357 mag., 32/40, 30/30, 32 win-spl. Finishes Available: Case color, nickel, blued, silver or gold. We also offer an engraved version call, "The Tamer of the Wild West" with a Stagecoach, Cowboys, Indians, Mountains Buffaloes, Grizzly Bears and Scroll Work.

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J.B. Custom

Manufacture & Restoration Service for over 10-years in the areas of:

Custom Winchester Lever guns, Custom Mares Leg Lever action pistols, service parts and restoration services for Winchester Commemorative lever action rifles and carbines. We would like to acquaint you with our new 1892 Mares Leg Lever Action Pistol. A firearm, based on a famous design, loved by the fans of the old western films. We are offering a new model made in 45 Colt, 44-40, 44 Magnum, 357 Magnum with a 12" barrel, adjustable rear semi-buckhorn sight, dove-tailed front brass bead sight, big loop lever, saddle ring, wood furniture, 6 round capacity, classified as a pistol and loads of fun to shoot. *Limited Edition Special Price of \$1495.00*.

Contact Diamond Jim Buchanan SASS # 5592

260.417.2099

J.B. Custom

www.jbcustom.com



J.B. CUSTOM Inc.

1892 MARE'S LEG PISTOL Custom Manufactured

Our 1892 MARE'S LEG is now offered in two different designs we have the standard version which is blued and the takedown which is case colored both hold six rounds of ammo and are made in Italy by ARMI SPORT—CHIAPPA exclusively for us and have a 12" bbl. Walnut grip stocks, big loop lever, saddle ring metal grip cap, 23 INCH OVERALL length front and rear sights and built brand new as a hand gun each comes with the ATF letter of approval currently in calibers 44-40,44 magnum, and 45 colt we may add other calibers next year. Such as 357 mag. Price on standard model is \$1695.00 and the takedown is \$1995.00 enjoy the pictures and give us a call THANKS DIAMOND JIM BUCHANAN 260-338-1894 fax 260-338-1585







MARE'S LEG HOLSTERS

WE HAVE THE FULL BELT HOSTER SET AT \$259.95 THE SLIDE ON HOLSTER AT \$139.95 THE UNIVERSAL GUN BUCKET AT \$34.95

WE NEED YOUR PANT WAIST SIZE TO FIT YOU UP WITH THE RIGHT ONE WE CAN FIT 34INCH TO 56 INCH 52 AND UP \$20.00 ADITIONAL



J B CUSTOM INC 260-338-1894 FAX 260-338-1585 EMAIL jabjim@comcast.net

EXHIBIT B

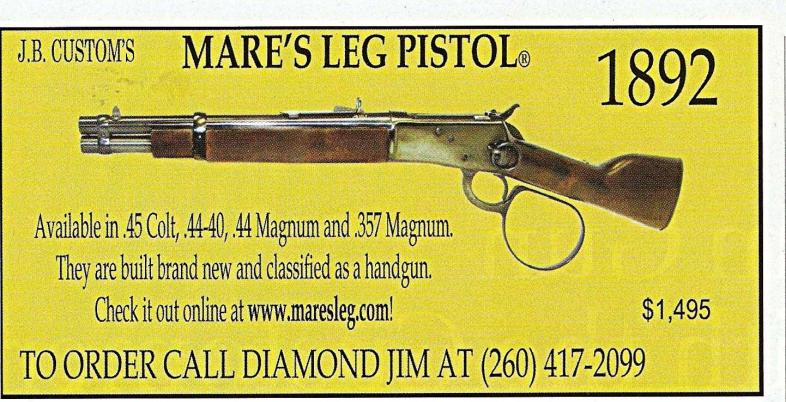




EXHIBIT C



Legendary Winchesters by



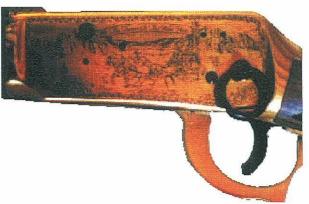
Diamond Jim Buchanan S.A.S.S. - 5592 (Lifetime Member)

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Custom Manufacturing of Firearms and Accessories for Firearms

Expertly converted to Cowboy Calibers, with 26 or 20 inch Octagon, and 24 or 20 inch round barrels - your receiver or ours. Each rifle made for you, one at a time. New barrel, action job, test fired and guaranteed to work every time... the way it should. Calibers: 45 colt, 44/40, 44 mag., 38/55, 28/40, 357 mag., 32/40, 30/30, 32 win-spl. Finishes Available: Case color, nickel, blued, silver or gold. We also offer an engraved version call, "The Tamer of the Wild West" with a Stagecoach, Cowboys, Indians, Mountains Buffaloes, Grizzly Bears and Scroll Work.

We also carry walnut stocks, crescent butt plates, saddle rings, big loops and other Winchester parts. Just drop us a line, and we will make your own special rifle the way you want. We also have 1897 Winchester pump shot guns and double barrel shot guns. We also offer custom action jobs on all makes and models of pistols, rifles and shot guns.



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Contact Diamond Jim Buchanan SASS # 5592

260.417.2099

J.B. Custom

www.jbcustom.com



J.B. CUSTOM Inc.

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J B CUSTOM INC 260-338-1894 FAX 260-338-1585 EMAIL jabjim@comcast.net

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Tradem Filed: April 17, 2008	ark Registration	No. 3,64	5,700
Registration Date: June	30, 2009		
Braztech International, I	L.C.)	
	Petitioner,)	
vs.)	Cancellation No.
J.B. Custom, Inc.)	
	Registrant.)	

DECLARATION OF KERRI A. HOCHGESANG

- 1. I, Kerri A. Hochgesang, am over twenty-one years of age, am competent to make this Declaration, and do so based upon my personal knowledge of the facts stated herein.
- 2. I am counsel for Braztech International, L.C., Petitioner in the above-referenced matter.
- 3. On November 29, 2010, I visited the www.waybackmachine.org searched for the domain name http://www.jbcustom.com/gunsmith.htm ("Archival")

Comparison Page 1"). A true and correct copy of the corresponding archival web pages from December 8, 2007 and February 27, 2009 are attached as Exhibit 1.

- 4. On November 29, 2010, I visited the www.waybackmachine.org searched for the domain name http://www.jbcustom.com/new-mares.htm ("Archival Comparison Pages 3-4"). A true and correct copy of the corresponding archival web pages from April 1, 2008, September 16, 2008, December 27, 2008, and January 29, 2009 are attached as Exhibit 2.
- 5. On November 30, 2010, I visited the www.waybackmachine.org searched for the domain name http://www.jbcustom.com. A true and correct copy of the corresponding archival web page from February 10, 2009 is attached as Exhibit 3.
- 6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of November, 2010.

Kerri A. Hochgesang

EXHIBIT 1

To Exhibit D





Diamond Jim Buchanan S.A.S.S. - 5592 (Lifetime Member)

Model 1894 ~ Pre and Post 1964 Actions

Custom Manufacturing of Firearms and Aceessories for Firearms

Expertly converted to Cowboy Calibers, with 26 or 20 inch Octagon, and 24 or 20 inch round barrels - your receiver or ours. Each rifle made for you, one at a time. New barrel, action job, test fired and guaranteed to work every time... the way it should. Calibers: 45 colt, 44/40, 44 mag., 38/55, 28/40, 357 mag., 32/40, 30/30, 32 win-spl. Finishes Available: Case color, nickel, blued, silver or gold. We also offer an engraved version call, "The Tamer of the Wild West" with a Stagecoach, Cowboys, Indians, Mountains Buffaloes, Grizzly Bears and Scroll Work.

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Calibers:



38-357	38-55	32-40	30 X 30	38-40 WCF
44-40 WCF	44 Magnum	45 Colt	20" Octagon	26" Octagon

Basic Price:		

\$1495.00 our Action - For Post 64'-94's

\$1495.00 our Action - Yours for Pre 64'-94's (rifle caliber's only)

Options	Price
Case Color	\$350.00
Engraved	\$500.00
Nickel, Gold, Silver, Plated	\$350.00
Rear Tang Sights (Lyman #2)	\$100.00
Adjust Tang for Widage & Elevation	\$200.00
Front Sprit Level Adjustable Widage	\$150.00
Rear Carbine Flip-up Ladder Sight	\$90.00
Deluxe Checked Post 64' Buttstock	\$325.00
Big Loop Lever	\$150.00-\$125.00
Custom Name Engraved on Barrel	\$30.00



Custom Laser Engraved Wood Available Prices subject to change at any time Shipping Charges to be added Any additional custom features extra

Pewter for end caps & butt plates available

Back to our Home Page



Diamond Jim Buchanan S.A.S.S. - 5592 (Lifetime Member)

Model 1894 ~ Pre and Post 1964 Actions

Expertly converted to Cowboy Calibers, with 26 or 20 inch Octagon, and 24 or 20 inch round barrels - your receiver or ours. Each rifle made for you, one at a time. New barrel, action job, test fired and guaranteed to work every time... the way it should. Calibers: 45 colt, 44/40, 44 mag., 38/55, 28/40, 357 mag., 32/40, 30/30, 32 win-spl. Finishes Available: Case color, nickel, blued, silver or gold. We also offer an engraved version call, "The Tamer of the Wild West" with a Stagecoach, Cowboys, Indians, Mountains Buffaloes, Grizzly Bears and Scroll Work.

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Calibers:



L					
	38-357	38-55	32-40	30 X 30	38-40 WCF
Ī	44-40 WCF	44 Magnum	45 Colt	20" Octagon	26" Octagon

Basic Price:	
\$875.00 our Action - \$700.00 yours for Post 64'-94's	
\$1100.00 our Action - \$700.00 yours for Pre 64'-94's (rifle caliber's only)	

Options	Price
Case Color	\$200.00
Engraved	\$350.00
Nickel, Gold, Silver, Plated	\$200.00
Rear Tang Sights (Lyman #2)	\$100.00
Adjust Tang for Widage & Elevation	\$200.00
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Rear Carbine Flip-up Ladder Sight	\$80.00
Deluxe Checked Post 64' Buttstock	\$200.00
Big Loop Lever	\$55.00
Custom Name Engraved on Barrel	\$30.00



Custom Laser Engraved Wood Available Prices subject to change at any time

Shipping Charges to be added Any additional custom features extra

Pewter for end caps & butt plates available

Back to our Home Page

EXHIBIT 2

To Exhibit D



J.B.CUSTOM 3700 EAST PONTIAC ST. FORT WAYNE, IN 46803 260.417.2099

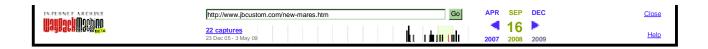
PRESENTS 1892 MARES LEG LEVER ACTION PISTOL

CALIBERS 45 COLT, 44-40. 44 MAGNUM, 357 MAGNUM OVERALL LENGTH 24. HOLDS 6 ROUNDS, ADJ REAR SIGHT, DOVETAILED FRONT SIGHT WITH BRASS BEAD, BIG LOOP LEVER, SADDLE RING & BLUED FINISH. SPECIAL PRICE \$1495.00 LIMITED-EDITION



<u>WWW.JBCUSTOM.COM</u> OR E-MAIL: <u>DIAMONDJIM@JBCUSTOM.COM</u> WITH QUESTIONS TO ORDER CALL DIAMOND JIM AT 260-417-2099 THANKS FOR YOUR INTEREST AND HAVE A GREAT DAY SHOOT.EN!





J.B. CUSTOM 'Inc.

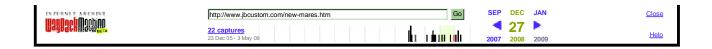
1892 MARE'S LEG PISTOL

Our 1892 MARE'S LEG is now offered in two different designs we have the standard version which is blued and the takedown which is case colored both hold six rounds of ammo and are made in Italy by ARMI SPORT—CHIAPPA exclusively for us and have a 12" bbl. Walnut grip stocks, big loop lever, saddle ring metal grip cap, 23 INCH OVERALL length front and rear sights and built brand new as a hand gun each comes with the ATF letter of approval currently in calibers 44-40,44 magnum, and 45 colt we may add other calibers next year. Such as 357 mag. Price on standard model is \$1695.00 and the takedown is \$1995.00 enjoy the pictures and give us a call THANKS DIAMOND JIM BUCHANAN 260-417-2099 fax 260-422-1400



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J.B. CUSTOM 'Inc.

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EXHIBIT 3

To Exhibit D

Unique Cowboy goods for the whole family!



Home of all your cowboy shootin' needs!

Custom Wild West Merchandise And Home Of Legendary Winchesters by Diamond Jim Buchanan S.A.S.S.#5592 (Lifetime)

- CUSTOM GUNSMITHING
- GUNS & GUN PARTS
- GRIPS
- COWBOY AMMUNITION
- SPURS
- LEATHER GOODS
- CLOTHING
- BOOKS
- KNIVES
- WINCHESTER COLLECTABLE GUN SLEEVES, MEDALLIONS AND SALES FLYERS
- OTHER COLLECTIBLES
- MARE'S LEG®
- NEW MODEL MARE'S LEG®





The Origin
of
Diamond Jim Buchanan



Taken at Guns of August on 8/8/2000 Diamond Jim Buchanan (SASS Single Action Shooting Society #5592) and Elisabeth Jade Buchanan a.k.a. Professor Kid Curry (SASS #19254) are married by Judge Roy Beam (SASS #1) also pictured with Lone Coyote (best man) and Pistol Packin Momma (maid of honor).

Diamond Jim Buchanan's Custom Sales and Service 2008, *All Rights Reserved*©

Please send any mail concerning this site to diamondjim@wildwestmerchandise.com

EXHIBIT E

